IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.726 OF 2007

1. Mr.Dada Yeshwant Bhondave
2. Mr.Bajrang Dada Bhondave
Both r/o Ranand, Tal.Man
Dist.Satara ..Applicants

Vs.

State of Maharashtra ..Respondents

...

Mr.Dilip Bodake Advocate for Applicants
Mr.V.B.Konde-Deshmukh, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : MARCH 26, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail in C.R.No. 89 of 2005 of Dahiwadi Police Station, Dahiwadi. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that the applicant

along with co-accused Mahadev assaulted Changdev and his daughter in law Shobha Bhondave and Changdev died on account of said assault.

4. Mr.Bodake, the learned advocate for the applicants submitted that as far as Shobha is concerned, the nature of injury was simple which is borne out from the certificate dated 16.11.2005.

5. He has further submitted that as far as deceased Changdev is concerned, the prosecution case that the applicants assaulted him with sticks till he fell down, is clearly false as the post mortem notes show only one injury which is an injury on the head. The injured witness and the complainant Shobha clearly stated that Mahadev Dada came with an axe and he assaulted her father in law on the head. Mr.Bodke further pointed out that the sole injury mentioned in the post mortem is clearly attributable to Mahadev Dada. I find much merit in this submission. Hence, I am inclined to grant bail.

6. Each of the applicants to be released on bail

in the sum of Rs.20,000/- each (Rs.Twenty thousand only) with one or two sureties to make up the said amount in connection with C.R.No.89 of 2005 of Dahiwadi Police Station, Dahiwadi. The applicants shall report to the concerned Police Station, once in a week till the conclusion of the trial.

6. Application is disposed of.

[V.K.Tahilramani, J.]